

MR. SAMMARCO: Defendant rests.

MR. KERSTEN: We have one witness downstairs in the ladies' quarters in the jail, we are sending for, right away.

(Short recess taken)

REBUTTAL

JERRY NOLAN, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. KERSTEN:

Q Your name is Jerry Nolan?

A Yes.

Q Do you know Irish-Gloria Eichstaedt?

A Yes.

Q When was the first time you saw Irish?

A When she was brought in Maxine's place.

Q Were you there at that time?

A Yes, I was.

Q When did you come to Milwaukee this present time?

You are in Milwaukee now?

A Yes.

Q How did you get here?

A They brought me down yesterday.

Q Who brought you down?

A The matron. They brought me down in a State car.

Q Now, you say that you saw Irish at Maxine's?

A When she was there the first night.

Q As near as you can recall, when was that?

A That was between the 1st and the 5th of May.

Q Of what year?

A 1941.

Q This year?

A Yes.

Q How long did you remain there after that time?

A Until the 29th of August.

Q In other words, you worked at Maxine's until the 29th of August?

A Yes.

Q And then you left, did you?

A Yes.

Q When was the last time you saw Irish until you saw her here today?

A I hadn't seen Irish at all until today.

Q You saw her at Maxine's?

A Yes, that was the last.

Q And you saw Irish for how long a time at Maxine's?

A I saw her all of the while she was there.

Q Until you left?

A Yes.

Q After you left did you see Irish at any time up until now?

A No, I did not.

Q Now, Jerry, I want you to tell us in your own way all about the first time that you saw Irish?

A Well, the first time I saw Irish was the night that they brought her to Maxine's, a fellow by name Teddy Capp, Louis Fazio, and another fellow by name of Duffy brought her up there.

Q Do you recognize Teddy Capp?

A I do.

Q Do you see him here?

A Yes.

Q Where?

A Right behind you.

Q You mean this man, pointing to the defendant?

A That's right.

Q He was in that party?

A Yes, he was.

Q What time of the day or night was it when they arrived at Maxine's?

A Between 3:00 and 4:00 o'clock in the morning.

Q Maxine's is where?

A Sheboygan Falls.

Q Is it in the town or outside?

A It's about a mile from Sheboygan Falls.

Q What kind of country is it around there? Well built-up, or otherwise?

A Well, there's a few farmhouses around there.

Q It isn't a city?

AN No,

Q It is out in the open country?

A There is a tavern across the street.

Q What time did you say they brought her up?

A Between three and four o'clock in the morning.

Q How did they come in there, do you know? Through what entrance?

A They came in the front door.

Q And when you come in the front door, what part of the house are you in?

A Come in the parlor.

Q Tell us now in your own way exactly all that you recall of their coming in there, who was there, and what was said.

A There was about five or six girls there, and they came in, and there was a girl named Linda, Louis Faxio's girl, so they came in, and Linda went down to meet Louis, and in the meantime while she went in there she said "Hello" to Teddy.

Q Who?

A Linda.

Q Who was Linda?

A Louis Fazio's girl.

Q Where had she been?

A She was working at Maxine's.

Q As a prostitute?

A Yes.

Q And where was Linda when she said "Hello" to Teddy?

A Right in the same room with him.

Q What, if anything, did Teddy say or do?

A Must have said "Hello" back, and she said: "Hello, Teddy."

Q How many girls would you say were there?

A There were, I would say, about six altogether.

Q Any men around?

A No, not at the time they came in there wasn't.

Q Did these six girls all congregate in one parlor as they came in?

A No, they didn't.

Q How many were in the presence of Fazio and Teddy Capp and Irish through the course of the arrival there?

A I was standing by the door and I saw outside of Linda and Irish---that's about all the girls was there.

Q What about the other girls, where were they?

A They were out in the kitchen.

Q Did they come in later?

A No, they didn't come in there at all.

Q How were you dressed?

A I had a pair of white pajamas on.

Q Were you in the same room as Teddy?

A I wasn't exactly in the room; I was standing right in the doorway where I could see and hear everything.

Q You could see him?

A Yes.

Q He could see you?

A Yes, he could see me.

Q What kind of pajamas did you have on?

A White satin pajamas.

Q Can you describe them as to what style they were?

A Well, just two-piece pajamas.

Q Can you describe the style of the upper part?

A About two inches of skin showing, bare flesh showing.

Q Was there anybody there in a nurse's uniform?

MR. SAMMARCO: That's objected to as leading.

MR. KERSTEN: I will withdraw the question.

Q How were the other girls dressed?

A Evening gowns and pajamas.

Q Do you recall generally what kind of dress Linda had on?

A She had an evening gown of some kind.

Q Now, what do you recall about the conversation as these three men and Irish came up?

A Well, I didn't stay in there after that, I went back out in the kitchen and it wasn't but a few minutes they all came out there and they were sitting at the table, drinking coffee.

Q Who was?

A These three men and Irish was there, and Linda was out there, and some of the girls out there.

Q In and out?

A Some of them were sitting down and some walking back and forth.

Q Those girls out in the kitchen as the men were having their coffee, how were they dressed there?

A Evening gowns and pajamas.

Q Do you recall any conversation after that or as these men were leaving?

A Yes, while they were out in the kitchen, drinking their coffee, Louis Fazio said--Louis was looking at Irish, and he said, "Teddy, she ought to make plenty of money for you."

Q Louis said that to Teddy Capp?

A Yes.

Q Teddy Capp, you mean this defendant?

A Yes.

Q Where was Irish?

A Sitting right at the table.

Q Do you see Irish in the court room here?

A I don't see her right now.

Q Take a look around the court room and see whether you see her?

A Yes, I do now, in front.

Q Will you pick her out, just come down here and pick her out.

A (Witness does so).

Q That's the girl you refer to as "Irish"?

A Yes.

Q All right, sit down. How long was it before the defendant left?

A They were there about a minute and a half, they were getting ready to go, and she said to Teddy, "I want to talk to you a minute," and they were in the parlor, and I sat there and drank my coffee, and Teddy was sitting there with his arm around Irish, on the couch, and they were talking.

Q Did you overhear any of the conversation?

A Not in there I didn't.

Q Did you hear anything further?

A As he was leaving, as the three of them were leaving, Teddy said to Irish, "Goodbye, Irish. Maxine will take care of you."

Q Who left?

A Louis Fazio, Duffy, and Teddy Capp and Linda.

Q By "Linda" you mean the girl that had been there for some time, working?

A Yes.

Q She left with these three men?

A Yes.

Q You are sure of that?

A Yes.

Q Was Teddy Capp in that group that left with Linda?

A Yes.

Q Linda was Louis' girl?

A Yes.

Q At that time?

A Yes.

Q Will you state whether or not, Jerry, the following day you overheard any conversation between Maxine and Teddy?

A Yes, I did.

Q Tell us about that?

BY MR. SAMMARCO:

Q Was Ted Capp there, or where did this conversation take place?

MR. KERSTEN: We are just about to do that.

A Maxine had Irish to the doctor and had her examined, so Maxine brought her back and she found out---

BY MR. KERSTEN:

Q Don't tell us what she found out. What did she do and say?

A She asked the girls if any of us knew Du Laveris' phone number and apparently none of us did, and she found she had it wrong, so she called Du Laveris' Tavern and someone answered the phone. She said, "Hello. I want to talk to Teddy." She must have got him. She said, "Hello, Teddy."

MR. SAMMARCO: That's all objected to, for the reason it isn't established who was on the other end of the line.

THE COURT: I think it had been sufficiently established. Capp admits he received a telephone call the date following the date the girl was delivered there, as I understand the testimony of this girl.

A The following day.

Q Give us that entire phone conversation as far as you

heard it.

Q She said, "Hello, Teddy. You remember that party you brought up this morning--or last night? I had her to the doctor and there is something wrong with her. I am just telling you for your own good so you can have yourself checked." There must have been some other conversation on the other end of the line, and she said, "She will be alright, because I got some pills for her," and there must have been some more conversation, because she said, "Oh, she will be able to work in four or five days, perhaps a week."

Q "You better see about taking care of yourself"? What was the exact language?

A "You better have yourself checked over."

Q When is the next time, Jerry, you recall seeing Teddy Capp?

A I would say about a week later.

Q Do you recall anything about that visit particularly?

A No, nothing in particular. I think Irish had been working about two days, I would say.

Q Working as a prostitute?

A Yes.

Q Do you recall what time he called on her?

A Oh, I would say it was around 11 or 12:00 o'clock, maybe.

Q Midnight or noon? You mean at night or in the day?

A At night.

Q When do you recall seeing him again, if at all, after that time?

A I would say about another week later.

Q What did you see then?

A Well, he talked to Irish for awhile, Teddy Capp, he talked to Irish a while while he was there, and in the meantime I was out in the kitchen and I was washing some whiskey glasses, and Maxine came out with Teddy and she said, "I'll check over with you what Irish has made." She said, "What Irish owes me I'll take out, I'll give you what she has got coming," and then she called Irish and Irish was out there, standing in the doorway, and then she had paper and pencil and was figuring up what Irish owed her and what she had coming, and the cards with the punches in it, so then I was wiping dishes and laid the glasses on the table, I saw Maxine had Teddy Capp Irish's money.

Q Where was Teddy Capp at that time?

A Sitting right opposite Maxine at the table.

Q What room was this?

A Kitchen.

Q Could you tell the amount of money given?

A No, I couldn't say.

Q What kind of checks did they have there, what was the system of checking the earnings of the girls?

A Well, that was to keep track how much they made each night.

Q What did they have to keep track at that time?

A We had little white cards and a punch, and if two dollars, that was two punches, and so on and so forth.

Q What time of the day or night was that?

A It was at night, I would say it was rather late.

Q Can you give me some idea about how late?

A I would say sometime in the morning, as near as I can remember.

Q Early in the morning?

A Yes.

Q Maxine and Teddy were at this table in the kitchen?

A Yes.

Q Do you remember an occasion when they had a convention in Sheboygan?

A Yes, I do.

Q Do you remember as to the volume of the business in the house at that time?

MR. SAMMARCO: That's all objected to as incompetent, irrelevant and immaterial.

THE COURT: Objection overruled.

A Well, I know it was in the evening, I would say the early part of the evening. There was some convention men came in, I would say about nineteen or twenty in one parlor, and they wanted Irish to put on a dance for them, and Irish wouldn't do it. Then they wanted Irish and myself, so Maxine called me and asked if I would.

Q Don't tell what Maxine said. When is the next time after that you saw Teddy Capp?

A I would say perhaps three or four hours after this took place.

Q After Irish refused to put on this strip-tease dance?

A Yes.

Q Did you overhear any conversation between Teddy Capp and anybody at that time, when he came up?

A Well, while he was there I heard Maxine tell Teddy Capp that Irish has a chance to make good money with these shows and she won't do it.

Q Did Teddy say anything that you heard?

A No, I didn't hear Teddy say anything back, no.

Q Do you recall seeing Teddy after that?

A Yes.

Q When was that?

A I would say maybe a week or week and a half later.

Q When would you say that was with respect to the month

of May?

A That was before Decoration Day, around the last of May.

Q What do you recall about that last time you saw Teddy Capp?

A Well, in the meantime Irish had been saying she was going to break up---

Q Don't tell us what she said out of his presence. Just after Teddy was there that day, tell us what you heard.

A Teddy went upstairs with Irish and I was upstairs in the next room, combing my hair, and I heard them in there, it sounded like they were arguing a little bit, and finally sounded like Irish was crying, and then I heard her say, "Teddy, you know you are just a pimp." I heard that.

Q What did you see or hear after that?

A I went downstairs and they must have been up there a little while longer and Irish came down, she was crying, one side of her face was awful red, and she said Teddy slapped her.

Q Just a minute.

THE COURT: That last part is stricken and the jury disregard it as hearsay.

BY MR. KERSTEN:

Q Did you see Irish the next day?

A Yes, I did.

Q Did you observe what, if anything, she did next day?

A Well, Maxine came and Maxine found out she was through with Teddy.

MR. SAMMARCO: That's objected to as hearsay.

THE COURT: Objection sustained. It is a conclusion of the witness.

BY MR. KERSTEN:

Q What did Irish or Maxine do? Don't tell us what they said. What did they do?

A Maxine called--I don't know whether she called Teddy Capp, or who she called, but anyhow the bunch of them came out there and she told them if Irish wouldn't---

Q Who was the bunch?

A Louis Fazio, Tony Sansone, Nick---

BY MR. SAMMARCO:

Q Louis Fazio and who else?

A Tony Sansone, Nick, and I believe Duffy was there.

Q Duffy Teretina, you don't know that last name?

A No, I don't know the last name.

BY MR. SAMMARCO:

Q Was Ted supposed to have been with this group that came out there?

A No, he wasn't.

BY MR. KERSTEN:

Q And then what did Maxine and Irish do after that?

A Maxine was in the room, talking with these three or four men that were there and then she finally called out to Irish and told Irish to get her clothes ready and get dressed, she was going back to Milwaukee, so Irish did.

Q Were you there when she left for Milwaukee?

A Yes.

Q Who left for Milwaukee?

A Maxine took Irish herself, and as they were going out the door Christ Constance came by and he took them.

Q Christ Constance drove up to the door of the place?

A He just drove in at the time and was just walking up the steps.

Q To the Old Colony Club?

A Yes.

Q Maxine and Irish got in his car?

A Yes.

Q After you left Maxine's yourself, where did you go?

A When I left Maxine's?

Q Yes.

Q The first time I left Maxine's Irish and I went to Chicago.

MR. SAMMARCO: I would like to get the date of that.

BY MR. KERSTEN:

Q When was the date of that?

A I can't remember the exact date, but it was around the last part of July.

Q And from there where did you go?

A We left Maxine's with some man that was there. He took us up to Green Bay. He asked us if we would like to see one of the girls up there, so he took us up there.

Q Where did you go after that place?

A We stayed there awhile and then he took us to the bus depot in Green Bay and we left there on the bus for Chicago.

Q Where have you been living since just prior to the time that you came down to Milwaukee here?

A I been in Oshkosh.

Q How long have you been in Oshkosh?

A Three months.

Q You have been there three months now?

A Yes.

Q When did you go to Oshkosh?

A I have been there twelve weeks. I went the 29th of August.

Q Where did you goto in Oshkosh?

A The Winnebago State Hospital.

Q How long have you been there?

A Twelve weeks it will be, Friday.

Q All of the time?

A Yes.

Q On what basis did you go in there?

MR. SAMMARCO: That's objected to as immaterial.

THE COURT: Objection overruled.

BY MR. KERSTEN:

Q How did you happen to go there?

A I went voluntarily.

Q For what purpose?

A I signed myself in for cure for narcotic habit.

Q You have been there for three months?

A Yes.

Q And that is when you were picked up by the Sheriff's Department yesterday?

A Yes.

Q And brought down here?

A Yes.

Q During the entire time you were at the State Hospital, did you see or converse with or have any communication with Irish?

A No, I didn't none at all.

Q Did you know anything about this trial until yesterday?

A I read about it a little bit here and there in the paper and heard a little bit, that was all.

Q How much did you weigh when you went into the State Hospital?

A One Hundred and twenty.

Q How much do you weigh now?

A One hundred and fifty.

Q Put on thirty pounds?

A Yes.

Q You are still under the jurisdiction of the hospital for the cure?

A Yes.

MR. KERSTEN: That's all.

CROSS EXAMINATION.

BY MR. SAMMARCO:

Q What is your correct name?

A Patricia Johnson.

Q Is it Miss or Mrs. Johnson?

A Miss.

Q What is your home town?

A Chicago, Illinds.

Q When did you first come into the State of Wisconsin?

A 1938.

Q Where did you first go to?

A Maxine's place.

Q In 1938?

A Yes.

Q Up to the time you left in August, you were still in Maxine's place, is that it?

A Yes.

Q This particular party that the District Attorney referred to, this group of business men, how many businessmen there during that entire night?

A Well, I couldn't say exactly how many, but there was an awful lot, I know.

Q You said there were nineteen in the parlor?

A In the one parlor.

Q Were there any other men there?

A Yes, there was 11 of the rest of them.

Q How many?

A I would say maybe there was two in one parlor and about three in the other one.

Q In other words, there might have been all told about twenty-five men there that night?

A Yes.

Q What is your occupation?

A I was a prostitute.

Q Now, do you remember just exactly what day you first saw Ted Capp?

A The night that they brought Irish to Maxine's.

Q When you say "the night", you mean early morning?

A Between three and four o'clock in the morning.

Q You opened the door?

A No.

Q Who opened the door?

A Gail.

Q Where were you when she opened the door?

A Standing in the doorway.

Q How many people came in?

A Louis Fazio, Teddy Capp and Duffy.

Q What was the conversation in detail when they walked in?

A Well, Linda came in there and said "Hello" to Louis, and then she looked at Teddy and she said, "Hello, Teddy."

Q What else?

A They talked a little bit.

Q What about?

A They had Irish with them and they introduced Irish, naturally, so I didn't stay there much longer. I went out.

Q Where did you go?

A Out in the kitchen. And I was out there, and some of the other girls were out there and they all came out there and were sitting at the table, drinking coffee--they wanted a cup of coffee.

Q You didn't hear any of the conversation when you went into the kitchen? All that is out?

A Yes.

Q When did you next hear conversation?

A They were sitting at the table, drinking coffee, talking among themselves, and in the meantime Louis was looking at Irish, and he looked at Teddy and he said, "She'll make plenty of money for you, Teddy."

Q Who was there when that remark was made?

A Louis Fazio and Teddy Capp and Duffy and Linda and myself and Irish.

Q How about Gail?

A She was out there.

Q She was also in the group?

A Yes.

Q In other words, if a remark like that had been made she could have heard it?

A She could have heard it, unless she was really busy and didn't hear it.

Q She wasn't busy, she was with you people at the time,

is that correct?

A She was doing something.

Q What?

A Washing a few dishes or something.

Q How big is this room where you people had this meeting?

A A pretty large kitchen.

Q About how large is it? Would you say ten by twelve feet?

A Well, no, I wouldn't say that large.

Q Smaller than ten by twelve?

A It could be that.

Q About ten by twelve?

A I know it's pretty large kitchen. Just how large I couldn't say.

Q How long did they stay there?

A About an hour and a half.

Q You didn't hear of any arrangements being made whereby this girl was to become a prostitute?

A No, that's all I heard just then.

Q You heard no arrangements this girl was going to be a prostitute in that place, is that correct?

A I didn't hear any arrangements.

Q When they walked out, who walked out?

A In the meantime Teddy and Irish went in the next

parlor to talk.

C THE COURT: Skipping that, who walked out?

A Teddy told Irish, "Goodbye, be good, and Maxine will take care of you."

BY MR. SAMMARCO:

Q And that's all that was said, is that correct?

A Yes.

Q "Be good, Maxine will take care of you", is that correct?

A Yes.

Q He didn't tell her she was going to be a prostitute up here, did he?

A Well, no, he didn't exactly tell her, no.

Q He didn't tell her she was going to be a prostitute, did he?

A No.

Q And then the next day there was a telephone call, wasn't there?

A Yes.

Q Placed by Maxine?

A Yes.

Q What time of the day or night was that telephone call made?

A In the evening.

Q About what time?

A Oh, I would say around perhaps five o'clock or 5:30.

Q And that telephone call was made at Du Laveris Tavern is that correct?

A Yes.

Q And that is the time Maxine informed whoever was at the other end of the line, this time it happened to be Ted Capp, that this girl was sick?

A Yes.

Q How long have you been in confinement downstairs?

A Since last night.

Q Did you talk to anybody since last night?

A No, I haven't.

Q Did you talk to Mr. Hanlon about this case?

A No.

Q Did she tell you why you were coming to Milwaukee?

A I knew why I was coming here.

Q You knew what?

A Yes.

Q How did you know that?

A There couldn't be any other reason for me coming.

Q You knew you were coming to testify in this case?

A I knew it had something to do with it, because I knew they wouldn't want me for anything else.

Q In other words, all the way through until this moment,

Mr. Hanlon didn't talk to you at all as to for whom you were going to testify and in what case you were going to testify?

A Well, I saw him, yes.

Q Just answer my question.

(Last question read)

A Well, he talked to me, but didn't really have anything to do with the case, nothing in particular.

Q What did he talk to you about?

A Just asked me if I knew some certain people.

Q Who were those certain people?

A Well, such as Louis Fazio, Ted Capp---

Q Gentilli, Capp and everybody else?

A Yes.

Q And what else did he ask you?

A I can't recall just exactly what else.

Q That was only within twenty-four hours. Do you mean to say you can't recall it? The fact is Mr. Hanlon told you what had happened in this court yesterday, isn't that true?

A No, I don't know what happened in the court.

Q Did he speak to you about the testimony had been given by Irish?

A No.

Q Didn't he tell you what she had said?

A No, I don't know what Irish said.

Q What did he talk about then?

A I don't know what Irish said.

Q What did he talk about on your way coming here?

A On my way coming here?

Q When you saw Mr. Hanlong, --how did you come down here, by the way?

A They brought me down.

Q Who brought you down?

A I don't know exactly who they were. It was a woman.

Q Who was the woman?

A They called her Hattie.

Q Is this the lady sitting over here in the green dress?

A Yes.

Q Did you talk to her about this case?

A No, I didn't.

Q When did you first see Mr. Hanlon?

A When did I first see him?

Q Yes.

A The first time I ever saw him was at the Winnebago State Hospital.

Q When?

A I would say around the first part of September.

Q And at that time he talked about this group of cases, is that correct?

A No. All he asked me is where I had been and where I worked and who I worked for, such as that.

Q When you say "such as that", what other questions did he ask you?

A He asked me who I had been working for.

Q And you told him?

A Yes.

Q When did you see Mr. Hanlon the second time?

A Why, last night.

Q Where, in that room?

A When he came down after me to bring me up here.

Q What do you mean? You say last night when he brought you up here. What do you mean?

A When he came down this morning to bring me up here.

Q Then you didn't see him last night, did you?

A Yes, I saw him last night--well, that's the second time I saw him, last night, and I saw him this morning when he brought me up here.

Q Where did you see him last night?

A In the County Jail.

Q In the women's jail?

A As they took me down there, yes.

Q You talked to him?

A Yes.

Q How long did you talk to him?

A Just a few minutes.

Q What did you talk about?

A Well, asked me who I knew and that. That's all.

Q What did you talk about specifically, give me the conversation as best you can recall it.

A Just asked me if I knew certain people.

Q Give us the conversation, the certain people and so forth.

A I can't remember exactly.

Q Well, as best you can remember, just give me the conversation.

A Well, he asked me if I saw Irish yet, and I said "No". He said she was pretty tired.

Q What else?

A Nothing in particular that I would have any reason to remember.

BY THE COURT:

Q Did you talk to him about this case at all last night?

A No.

Q Or about what your testimony was going to be this morning?

A No.

BY MR. SAMMARCO:

Q When did you again see Mr. Hanlon?

A This morning.

Q You knew you came down here to testify on this case,
is that correct?

A Yes.

Q When were you informed you were going to testify in
this case?

A Well, when they came up after me yesterday.

Q Then it isn't true you didn't know why you were com-
ing down here?

A I knew I was coming here.

MR. SAMMARCO: I think the record will
show that.

THE COURT: They jury heard it as well as
counsel and the Court, and can remember it for them-
selves.

BY MR. SAMMARCO:

Q After the first time you say you saw Ted Capp up there
since this girl came into the institution or house,
when is the next time?

A About a week later.

Q That would be a week after, between the 1st and 5th,
is that correct?

A Yes.

Q You don't remember that exact date?

A No, I don't not the exact.

Q That would be anywhere from the 7th or the 8th to the

13th?

A That's right.

Q And what occurred that next time when you saw him,
just give us the conversation, tell us what happened.

A The second time I saw him?

A Yes.

A Nothing in particular. I had any reason to remember.

Q Did you see him come in there?

A Yes.

Q Who else was there?

A Well, Maxine was there, and Gail was there and the
girls, yes.

Q Did you observe anything at that time as to the re-
lationship or friendship between Ted Capp and this
girl?

A I know Teddy went upstairs with her.

Q You didn't hear anything as to the conversation up
there, is that correct?

A No, not at that time, I didn't.

Q Then they came down again?

A Yes.

Q How long were they up there?

A Probably half an hour.

Q You didn't hear any commotion or argument?

A Not at that time I didn't.

Q What happened after they came down?

A Well, nothing in particular at that time.

Q He left, is that correct?

A Yes.

Q When is the next time he came up there?

A Another week later.

Q And that would be from the 15th to the 20th?

A Yes.

Q Were you at the doorway when he walked in?

A No, I wouldn't say I was right at the doorway when he walked in, no.

Q Let's go back to the time he came in, between the 8th and the 13th. Did you see him coming in there?

A Well, I didn't exactly see him come in, but I knew he was in the house. I went through the parlor there and saw him there.

Q You say he went through the parlor?

A I went through. I saw him there.

Q How many doors are there to that house?

A Three.

Q What doors are they?

A Well, there's a front door and a side door and back door.

Q Do you know whether he came in through the front door, side door or back door?

A He came in the back door at that time.

Q After he came in, what happened?

A He talked to Irish; he and Irish talked together.

Q Who was there at that time, between the 15th and 20th when he came in the third time when he was there?

A Oh, the third time?

Q Yes.

A Well, he came alone with, I think it was Duffy the third time he came.

Q Did Duffy come in?

A Yes.

Q When Duffy came in there where did he sit?

A Well, I didn't pay any particular attention.

Q But you are sure the third time he came in there he came with Duffy?

A I am pretty sure he came with somebody.

Q Would you say it was Duffy?

A To tell the truth, I couldn't really swear about how it really was, but as near as I can remember.

Q You saw the man, didn't you?

A I didn't pay any attention.

Q Was he the same man came in with Fazio, Anthony Sansone and Nick?

A Yes..

Q That it was Duffy that came there?

A Yes, sir.

Q What did Ted do when he came in with Duffy?

A He went to talk to Irish right away.

Q Where was Irish at that time?

A She was busy.

Q Doing what?

A I don't know--well, she was busy.

Q Was she upstairs?

A Yes.

Q Did she come downstairs?

A Yes.

Q About what time of the day or night was this third time he came up?

A I would say it was around midnight.

Q Were there any other patrons there? Any other men?

A Well, yes.

Q About how many other men were there outside of Ted and Duffy?

A There was convention men there.

Q Oh, this was the convention meeting?

A Yes, it was between the 16th and 17th.

Q Between the 16th and 17th?

A Yes.

Q You definitely fix those dates, between the 16th and 17th?

A I know there was a convention on and that was when Maxine had an argument with Irish.

Q And that was between the 15th and 16th?

A No, 16th and 17th.

Q In other words, the, the third time he came up there was either the 16th or the 17th?

A Well, Maxine had called, she said she was going to call anyhow, and he came in about three or four hours later, after the argument took place.

THE COURT: We will take a recess until 1:15, and we have made provision for the jurors to eat here.

1:30 o'clock P.M.

Trial resumed.

Appearances as heretofore noted.

Defendant in Court.

JERRY NOLAN, being recalled, testified further as follows:

BY MR. SAMMARCO:

Q I believe the last question was the date of the meeting upthere at Sheboygan. Now, you told us the meeting took place about the 16th or 17th, is that correct?

A Yes.

Q Up to the 16th or 17th of May, you hadn't seen any

money paid to Ted Capp, is that correct?

A No, I saw money paid before that.

Q When did you see the money paid before that?

A The third time he was up there.

Q Now, you told us that the girl was brought up between the 1st and 5th?

A That's right.

Q Then you told us that he again came up about a week later, or between the 8th and 13th?

A Yes.

Q And that was the time he went upstairs with her for about half an hour?

A That was a little bit after this, that was after the meeting, after that convention.

Q As you stated, when he came up there the second time you saw nothing?

A No.

Q You heard nothing?

A No.

Q The Convention was held the 16th or 17th. Now, at that time you stated that this girl refused to put on a show?

A Yes.

Q And that evening Maxine called Ted Capp at Du Laveris, is that correct?

A Yes.

Q You also stated you heard some of the conversation?

A Yes, I did.

Q And from the conversation there is no doubt but that Maxine called Ted Capp?

A Yes.

Q He then stated that two or three hours later Ted Capp was up there?

A Yes.

Q Now, you stated that the telephone number called was given by this girl, is that correct?

A Well, the telephone number, Maxine had it wrote down.

Q You stated before on direct examination that this girl, Gloria Eichstaedt, had the telephone number of the Du Laveris Tavern?

A No, I did not.

Q How did the telephone number come about?

THE COURT: Her testimony was that Maxine asked the girls for the number and no one had it, and apparently Maxine had it written down after asking for it. Is that your testimony?

A Yes, that's right.

BY MR. KERSTEN:

Q That was as to May 3rd?

A This time she had the number.

BY MR. SAMMARCO:

Q She had it?

A Yes.

Q You were there present during the entire conversation?

A No, not the entire conversation, but I did hear some of it.

Q Where were you at other times?

A Well, there was quite a few men in the house and I didn't hear all of it, but I heard her tell Teddy Capp that Irish had a chance to make money an easy way, and she wouldn't do it.

Q You are positive that that telephone call came out of Maxine's Old Colony Club?

A Yes, I am.

Q And two or three hours later Ted came up there?

A Yess

Q About what time was that call placed?

A I would say it was about between 7:30 and 8:30.

Q And then about 10:30 you would say Ted was up there?

A Yes.

Q Did you see Ted?

A Yes, I saw him.

Q Which way did he come in, front or rear door?

A He came in the back.

Q How long did he stay there?

A Well, I would say he was there maybe an hour and a half or maybe two hours.

Q And then he left?

A Yes.

Q Did he talk to Gloria?

A Yes.

Q Were you present when he was talking to Gloria?

A No, I didn't hear what he had to say to her.

Q About how long did that telephone conversation last?

A As I said before, I didn't hear the conversation, but I don't think it lasted very long.

Q Two or three minutes?

A I can't say, something like that, not over five minutes.

Q During the five minutes, part of the time you were there?

A Yes.

Q And part of the time you were gone?

A Yes.

Q Do you know whether or not Gloria Richstaedt after that made a call to Ted Capp at Du Layeris'?

A No, I don't. I don't know about that.

Q You don't know about that?

A No.

Q Was Gloria in this house all of the time?

A Yes.

Q She never went out without somebody else? She never want out alone?

A She went out with Louis Fazio.

Q She went out with Louis Fazio during the month of May, is that correct?

A Yes.

Q Can you tell us when she went out with Louis Fazio, approximately, the first time?

A I couldn't state exactly when it took place, but I know he took her to Chicago to the football game.

Q During the month of May?

A Yes.

BY THE COURT:

Q To the football game?

A Yes.

BY MR. SAMMARCO:

Q And this was during the time Ted was also coming up there?

A No, this was after Ted.

Q How long after?

A This was after she broke up with Ted. This was in June sometime.

Q Now, during the month of May you saw Louis Fazio up there?

A He was up there, but not for Irish's benefit.

Q Did you see Louis Fazio in this house of prostitution during the month of May, 1941?

A I did.

Q When was that?

A The night they brought Irish up there.

Q When was the next time?

A And then when Louis brought Linda back.

Q When was that?

A I couldn't say exactly.

Q During the month of May?

A Yes.

Q And then when did you see him again?

A Then I saw him up there again with Teddy Capp. Which time it was, I couldn't say exactly.

Q You saw him there with Teddy Capp?

A Yes.

Q Alone?

A No, I think there was somebody else along.

Q Who was with him?

A If I am not mistaken, I think it was Duffy.

Q And Teddy Capp?

A Yes.

Q You testified the only time Fazio was up there was when he came to take this girl. You testified that on cross examination?

A I made a mistake.

Q Now, with reference to the convention, just about when, after that, did Louis Fazio come up there with Ted Capp and Duffy?

A Just when after that?

Q Yes.

A Well, I couldn't say exactly, but Teddy Capp was up there twice afterwards.

Q When was it Louis Fazio and Ted Capp and this other man, whom you claim is Duffy, came up there after the convention?

A Well, the first time they came up after the convention was the time I saw Maxine give Teddy Capp money for Irish.

Q And when was that?

A That was, I would say, the next weekend.

Q The next weekend, would be about seven days, and then around the 23rd or 24th Fazio, Teddy Capp and Duffy came up there, as you saw Maxine give Fazio some money?

A Not Fazio. Ted Capp.

Q ---or give Ted Capp some money?

A Yes.

Q Now, that was the first money that you saw paid to

Ted Capp?

A Yes.

Q You were there all the time?

A Yes, I was.

Q You were present every time that Ted Capp was up there?

A Well, I seen him most every time he was up there, unless he was there when I wasn't around.

Q But you were there all of the time?

A I was there. He could have come in the house and I didn't see him.

Q Now, where was Fazio sitting when this conversation was going on?

MR. KERSTEN: What conversation?

MR. SAMMARCO: This first money she was paid.

A That was all in another parlor.

Q They were all in the other parlor?

A Yes.

Q Did that include Maxine?

A No, Maxine was out with Teddy Capp.

Q Who else was with Maxine?

A Teddy Capp, Maxine, and she called Irish at that time.

Q And these other two gentlemen were in the parlor?

A Yes.

Q You are positive about that?

A Yes, I am positive.

Q And you are positive it was about a week after the convention they were there?

A Yes.

Q So that would be the second time you saw Fazio up there?

A Yes.

Q That is, during the month of May?

A Yes.

Q When did he bring Linda back?

A That I couldn't exactly say, but I know he brought her back. I know that.

Q Approximately when? Was it after the first payment that was made to Ted Capp?

A Yes, this was after that.

Q Would you say a few days after?

A Yes.

Q Who came with Fazio and Linda?

A I think he brought her back alone.

Q Now, when was the next time after the 23rd or 24th of May that you again saw Ted Capp?

A It was just a little bit before Decoration Day.

Q Would you say two days before?

A I would say one or two days before.

A I would say one or two days before.

Q That would be, then, about the 28th or 29th, Decoration Day being the 30th?

A Yes.

Q Who came up with Ted Capp when he came on the 28th or 29th of May, a day or two before Decoration Day?

A Louis Fazio was along and Duffy was along, and Nick.

Q That was Ted, Louis, Duffy and Nick?

A That's right.

Q Are you fairly sure of your dates they came, Ted, Louis, Duffy and Nick?

A Yes.

Q About the 28th or 29th?

A Yes.

Q When is the next time you saw Ted Capp?

A I didn't see Ted Capp any more after that.

Q What happened on the 28th or 29th when Ted came up there?

A That's when Irish told him she was through with him.

Q Did you see Louis Fazio after that?

A Yes, he used to come up after that to see Irish.

Q When was the next time after the 28th or 29th that Louis Fazio came up there again?

A The next day.

Q That would be when? The 30th?

A Just before Decoration Day.

Q Would you say the 29th?

A Must have been the 29th.

Q And you are fairly sure of that?

A Yes, I am.

Q Who came with Louis?

A Nick, Tony and Louis, I believe that was all.

Q You were there when they came in?

A Yes, I was.

Q And, as you said, Louis, Nick and Tony walked in?

A Yes.

Q When you say "Louis" you mean Louis Fazio?

A Yes.

Q When you say "Nick", you mean Gentilli?

A Yes.

Q When you say "Tony", who do you mean?

A Sansone.

Q What happened the 28th or 29th when Ted came up there with Louis, Duffy and Nick?

A Well, that was the time Irish told Ted she was through with him.

Q Were you present when she told him that?

A Well, I know---

Q Were you present when she made that statement to him?

A No, I wasn't right in the room when she made that

statement, but as she is going out she said, "I am still through with you, Teddy."

Q And those were the exact words?

A Those were the exact words.

Q And that was on the 28th or 29th?

A Yes.

Q Did you see any money paid that day?

A No, I didn't.

Q Then the only money you ever saw paid was just once, is that correct?

A That's right.

Q You don't know what the amount was?

A No, I don't, but I saw it paid.

Q Now, Gail Stuart was what we call the straw-boss of the place, that's correct?

A Yes, sir.

Q She was there all the time?

A Yes, she was.

Q She would know what was going on in this place?

A Yes.

Q You stated that one night Maxine and some of the boys you have mentioned had a meeting just before Decoration Day?

A Yes.

Q Might have been the day before?

A Yes.

Q You stated that Maxine and Eichstaedt, or Irish, and Christ, who drove in the driveway, started out in their car?

A Yes.

Q And the other boys left in another automobile?

A Yes.

Q When did you see Gloria after the 29th for the first time?

A Well, I saw her the next evening, when Louis brought her back from Milwaukee.

Q Who?

A Fazio.

Q The next evening?

A Yes.

Q That would mean she was gone that entire night and the next evening brought back by Louis Fazio?

A Yes.

Q What time was she brought back?

A I would say between 4:00 and 5:00 o'clock in the afternoon.

Q And that would be Decoration Day?

A Yes.

Q There is no mistake about Louis Fazio bringing her back?

A There is no mistake about that.

Q Your know, as a matter of fact, she didn't sleep in this place that evening?

A No, she didn't.

Q When did you first see Maxine after they had taken Gloria out?

A The next morning, between 10:30 and 11:00 o'clock.

Q She was back in the house?

A Yes, the next morning.

Q And she came with Gloria?

A Yes, she did.

Q No doubt about that?

A No, sir, there is no doubt.

Q During the month of May, 1941, did Gloria Eichstaedt also known as Irish, leave this place of prostitution outside of the time she went down with Maxine and when she was taken to the Doctor?

A Well, there is one time, I can't say exactly when it was, but it was during the month of May when she was still with Teddy Capp, Teddy took her out in the yard to introduce her to somebody in the car.

Q Just about when was that? Would you say about the middle of the month?

A It could have been. It was in the month of May, I know.

Q What happened?

A She had an evening gown on, and he insisted on taking her to Milwaukee that way, and they took her and drove away and she started to scream, so they brought her back.

Q Would you say the man that came up there was a man by the name of Harry Couzens?

A What his name was I really couldn't say.

Q You were not introduced to him?

A No.

Q That was about the middle of May?

A Yes, I think that would be right.

Q About how many times, if you know, was this girl taken to the Doctor at Sheboygan?

A Well, the first time Maxine took her, and after that the doctor always came to the house.

Q How many times did the doctor come in to see her?

A Well, while she was still under treatment, Maxine took her, I would say, three or four times to the doctor.

Q And then after that did the doctor continue treating her?

A Yes, when he came to the house.

Q And about how long a period of time would you say these treatments ran from the time she came into the house?

A That was only, I would say, about a week, that's all.

Q In other words, during this week you say Maxine took her to the doctor three times, and then the doctor came over to visit her at the house?

A Yes, he came over to see all of the girls.

Q During the month of June, 1941, you were in this house?

A Yes.

Q Did Gloria Eichstaedt leave this home during the month of June?

A Yes, she went to Milwaukee with Louis and then Louis took her to Chicago, I think for a football game or the races or something to that effect.

Q About how many times during the month of June did Gloria leave the place?

A The last time she left the place they didn't bring her back.

Q How many times during the month of June did Gloria leave this place, this house of prostitution?

A About three times.

Q Do you remember the first time she left?

A I know Louis took her to Milwaukee once.

Q The first time she came to Milwaukee?

A Yes.

Q The second time, where did she go, if you know?

A The second time she left Irish didn't come back to Maxine's for a couple of weeks.

Q In other words, during the month of June Irish went out the first time with Ted Capp and came to Milwaukee?

A ----Louis Fazio.

Q ----or Louis Fazio, came to Milwaukee, and then went back. Was that the same day?

A No, she came back from Milwaukee and stayed there for I would say a week or a couple of weeks.

THE COURT: You didn't understand the question.

BY MR. SAMMARCO:

Q The first time she left in June she left in the company with Fazio?

A Yes.

Q When did she come back after leaving in this company?

A I think she came back in a day or so.

Q Now, the next time she left with whom did she leave?

A Louis Fazio.

Q How long was she gone the second time?

A Two weeks.

Q Where did she go?

A Well, when he took her to Chicago---

THE COURT: How does she know?

MR. KERSTEN: I don't object to anything might throw any light on the issues involved here as to examining the witness as to a period considerably beyond the dates indicated, but I think we are going pretty far. Unless Mr. Sammarco is confining himself to the issues we object to this as immaterial at this time, unless shown to be material.

THE COURT: I think Gloria Eichstaedt testified as to her course of conduct.

MR. KERSTEN: No, there is no dispute she was with Fazio after she was with Teddy.

THE COURT: Objection overruled.

BY MR. SAMMARCO:

Q The second time she left for two weeks, approximately?

A Yes.

Q And she came back?

A Yes.

Q Did she come back alone?

A Louis Fazio brought her back.

Q The third time, in June, she again left?

A Well, I don't remember. I don't think she left again.

Q Well, you testified she left three times during the month of June?

A I happened to think about taking her to Chicago, if that's the time she was gone two weeks.

Q Did she leave after that during the month of June?

A Not that I can recall.

Q During the month of July was she in this house of prostitution?

A Yes.

Q And you were there?

A Yes.

Q How many times did she leave during the month of July?

A She wasn't there the 4th of July.

Q Did she leave the night before the 4th?

A That I really can't remember.

Q Don't you know?

A She wasn't there the 4th, I know.

Q Do you know who took her away?

A Louis Fazio.

Q Did she come back alone?

A No, he always brought her back.

Q How long did she stay after the 4th?

A She came back, I would say, about four or five days after the 4th.

Q Four or five days would be about the 9th?

A Yes.

Q How long did she stay in this house of prostitution after the 9th?

A Until the last part of July when her and I went to Chicago.

Q Who took you down there?

A We took a bus from Green Bay to Chicago.

Q How did you happen to get to Green Bay?

A Some fellow that came out to Maxine's place took us.

Q He drove you down to Green Bay?

A Yes.

Q You and this girl were all alone?

A Yes.

Q When you took the bus and went down to Chicago?

A To Chicago.

Q How long did you stay in Chicago?

A We came back the next day.

Q To this house of prostitution?

A Yes.

Q Was Fazio with you at the time?

A Louis Fazio wasn't.

Q Anyone else with you?

A Well, while we were there we met somebody.

Q How did you get back to this house of prostitution?

A Maxine and Christ Constance brought us back.

Q That would be the latter part of July?

A Yes.

Q How long did you stay there after that?

A She was there all of the time until I left Maxine.

Q Did she ever go out after that?

A Not that I can remember.

Q Now, you are fairly certain about those dates, aren't you?

A Yes, I am pretty sure about them.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all.

THE COURT: State rests?

MR. KERSTEN: Yes.

MR. SAMMARCO: Now, we would like to call as a rebuttal witness, Gloria Eichstaedt.

SUR-REBUTTAL:

GLORIA EICHSTAEDT, being recalled, testified further as follows:

BY MR. SAMMARCO:

Q You made a telephone call to Milwaukee, is that right?

A When do you mean?

Q During the month of May, to Ted Capp?

A Yes.

MR. KERSTEN: Object to this as leading.

BY MR. SAMMARCO:

Q Did you make a telephone call to Milwaukee during the month of May?

MR. KERSTEN: Object to this as leading.

It has been gone over before.

THE COURT: Hasn't this been gone over before?

MR. KERSTEN: Very fully.

BY MR. SAMMARCO:

Q. Where did you make this telephone call from?

MR. KERSTEN: Object to this as having been gone over before.

THE COURT: She has already testified.

MR. SAMMARCO: She hasn't testified as to where this call came from. She testified she made the call and about the conversation.

THE COURT: All right.

BY MR. SAMMARCO:

Q. Where did you make the call from?

A. Maxine's Old Colony Club.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all.

SALVATORE GAGLIANO, being recalled, testified further as follows:

BY MR. SAMMARCO:

Q. The morning you came back from Maxine's Old Colony Club, did you come back with anyone else other than

Duffy and Fazio?

A Not that I recall. I am positive.

Q What?

A I am positive there was no one else.

Q Did you goto Maxine's Old Colony Club in answer to a telephone call pertaining to that business men's affair up there?

A I never got that call.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all.

MR. SAMMARCO: Defendant rests, your Honor.

TESTIMONY CLOSED.

MR. SAMMARCO: I will make a motion that the first charge in the information be dismissed, for the reason that the State has failed to prove a case and for the further reason that the State's testimony is uncorroborated for by any credible evidence.

Also wish to move for dismissal as to the second charge in the information, for the reason that the State has failed prove a case and for the further reason that the testimony of the complaining witness is uncorroborated.

THE COURT: Motions are denied.

(Arguments by counsel)

The Court thereupon instructed the jury, which instructions are on file in the office of the Clerk of the Municipal Court.

At 5:20 o'clock P.M., the jury retired for deliberation.

At 8:29 o'clock P.M., the jury returned into court with the following verdict:

"We the Jury, find the defendant, Salvatore Gagliano, guilty on each count in manner and form as charged in the information.

"Signed, George R. Patrick,

"Foreman"

MR. SAMMARCO: Your Honor, I wish to make the usual motions for new trial, discharge of the defendant, and so forth. May I file those?

THE COURT: Yes.

(Motions filed)

THE COURT: The Court can think of no cause for allowing a new trial or doubting the verdict of the jury. It seems that the verdict of the jury is very well sustained by the evidence. Upon the verdict of the jury, the defendant, Salvatore Gagliano, is adjudged to be guilty.

Do you want to be heard upon the sentence?

MR. KERSTEN: I think in this case, in

accordance with the rule laid down in the case we referred your Honor to at the commencement of the trial, it would be advisable and proper for the State to show a little more completely the character of this girl prior to the acts complained of, and I would like to do that by having Mr. Hanlon take the stand and state what he knows as to her character prior to this time. I think that is proper under the rule laid down by the Supreme Court.

THE COURT: Very well.

OFFICER GEORGE HANLON, being recalled,

testified further as follows:

BY MR. KERSTEN:

Q Mr. Hanlon, you have talked at considerable length to the prosecutrix in this matter and have ascertained what her life previous to the time she met Salvatore Gagliano was, did you not?

A I have, yes.

Q It has been brought out during the trial that she ran away from her foster home on or about Easter Sunday, April of this year?

A That's correct.

Q Between that time and the 1st of May, when she met the defendant, a period of approximately two weeks or

slightly in excess thereof, can you give the Court a statement as to what your investigation shows in regard to what her activity was in that time, particularly in regard to her chastity and relations with other men during that time, as to number of men and number of acts of sexual intercourse?

A On the 13th of April she left her foster home in company with her foster parents to visit at his mother's, and after having Easter Dinner there, left to see her grandmother. She visited her grandmother about an hour and a half or so, and left her grandmother's place on the way back to the parents of the people she was staying with, the distance was from about 20th and Cherry to 26th and Vliet, which is about nine blocks, all told. She got as far as 24th and Vliet, where two young fellows in a car came along and she was picked up there and then they picked up another girl friend and went out on a party, and had some drinks, considerable drinks and she admitted an act of intercourse. They were pretty well liquored up by the time they got back in town, and she didn't go back to her foster parents' house. Instead of that she went and stayed with her girl friend for several days, and then came downtown and started making the rounds of different taverns and places. During these

rounds she met men and had relations with men at different times. She sang in different taverns and met men in her duties as a singer at Terris Cafe, which isn't the same one mentioned in Court, and she told about one place where over on Juneau Avenue she had met five different men at different times and gone out with them from the place; told about another place she had met a number of men one night in a place and had gone out with them, sometimes out in the car, sometimes in some hotel room. All told, she admitted to acts of intercourse with possibly eighteen or twenty men.

Q. In the two week period?

A. In the two week period. Now, that was not her first set-up to begin with. This girl's time went back to the age of twelve, when a member of her family, as she said, was the first one, a member of her mother's family, rather.

MR. KERSTEN: That's all.

THE COURT: What is your recommendation,

Mr. Kersten?

MR. KERSTEN: Well, the State feels that while this evidence that has just been brought out by Mr. Hanlon, is proper to consider by the Court, it does not essentially excuse the defendant in this mat-

ter. We think that dealing with the evil that is presented by the charges in these two counts, the Court must act firmly; we think that the cause of the terrifying aspects of prostitution is embodied in the men that procure these girls. We think that the various ways and means that the men procure these girls for use, are damnable, and they must be dealt with firmly. We think that a striking at the panderer is striking at the real root of the vice ring, and for that reason the attitude of our office has been a stern one toward panderers, because it is they and they primarily that frequently bring these young girls, and in this case a very young girl, to the ruin of a life of prostitution. We think a firm sentence in a case of this type is not only a kind of sign of relief to some girls that would like to get out of the so-called profession of prostitution, but it is a grave discouragement for those men that might be inclined to live from the flesh of women, and for that reason I think that this Court should sentence this defendant to a substantial sentence. I think on the pandering charge it should approximate or come near to the maximum sentence. I realize that this defendant is a young man, he is a man of family, he has a prior record of statutory rape conviction upon which he

was given probation seven years ago, but he didn't think as much of that family of his or that little girl of his when he was ready to accomplish the ruin of a fifteen year old girl.

MR. SAMMARCO: I have nothing to say, your Honor.

THE COURT: Anything you want to say before the Court pronounces sentence?

THE DEFENDANT: Yes, I have something to say. I would like to make one request. All I can say is I am not guilty on either one of these counts, and I would like to make one request, I would like to have my mother and intimate family at this time leave the court room.

THE COURT: All right. The defendant wishes that his mother and intimate family leave the court room before the sentence is pronounced.

(Members of family leave court room)

THE COURT: The Court has no false impressions that any sentence of the Court can affect and prevent offenses that are based upon instince and passion of human beings. In the ordinary case where adults see fit to violate the law and injure only themselves, it is, while an offense, not a grossly

serious matter usually. The statute preventing and prohibiting relations with a minor is for the protection of wayward girls perhaps more particularly than it is for those who have parents to guard them. The Court is satisfied that the jury was honest in its deliberations in your case, and that the verdict they arrived at is accurate; that you were in fact trading commercially upon the body of this girl. While your family must suffer with you, that is an unfortunate circumstance that the Court cannot assume responsibility for.

The sentence of the Court is that you, Salvatore Gagliano, be punished by imprisonment in the State Prison at Waupun, at hard labor, for a straight term on the first count of seven years; upon the second count, a general indeterminate term of not less than two and not more than fourteen years, the sentences to run concurrently.

Let the record show it is ordered upon request of defense counsel that the Sheriff do not move the prisoner to Waupun until Saturday morning, so the defense counsel may have Friday to confer with the defendant.

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

I hereby certify that I have carefully compared the foregoing with the shorthand notes taken by me on the trial of the above entitled action, and find the same to be a full, true and correct transcript of said notes and containing all the testimony taken and proceedings had on said trial.

(Signed) Henry F. Weller

Official Reporter,
Municipal Court, Milwaukee County

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

I hereby certify that the foregoing copy of transcript as prepared from the original transcript in the above entitled action, and that the same is a full, true and correct copy of such original transcript.

Frank G. Jonovic

Frank G. Jonovic

Official Reporter

Circuit Court - Branch 11